

DECISION



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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-216023

DATE: August 22, 1984

MATTER OF: Pine State Creamery Company

DIGEST:

Protest against the bidding procedures under solicitations for the dairy requirements of the Fort Bragg Exchange, a nonappropriated fund activity, is dismissed since GAO has no authority to take exception to a contract award which does not involve the expenditure of appropriated funds.

Pine State Creamery Company protests the bidding procedures under solicitations Nos. DLA13H-84-B-8603 and AAFES-SEER-82-32-84-060 for the dairy requirements of the Fort Bragg Exchange.

We dismiss the protest.

The procurement is for a nonappropriated fund activity and will not obligate appropriated funds of the United States. See Conusstan Products, West Germany, B-210846, Mar. 14, 1983, 83-1 C.P.D. ¶ 253. Since our Office has no legal authority to take exception to an award which does not involve the direct expenditure of appropriated funds, no useful purpose is served by our consideration of protests relating to the award of nonappropriated fund activity contracts. Conusstan Products, West Germany, B-210846, supra. For this reason, we will not consider this protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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